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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Daniele Colizza

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EXAMINER

TADESSE, YEWEBDAR T

ART UNIT

PAPER NUMBER

1792

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/553,106	<b>Applicant(s)</b> COLIZZA, DANIELE	
	<b>Examiner</b> YEWEBDAR T. TADESSE	<b>Art Unit</b> 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-70, 72-74 and 76-93 is/are pending in the application.
- 4a) Of the above claim(s) 28-53, 59-70, 72-74 and 76-93 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 and 54-58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 October 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/14/2005</u> .                                              | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of group I (claims 1-27 and species N 54-58) in the reply filed on 12/08/2008 is acknowledged.
2. Claims 28-53, 59-70, 72-74 and 76-93 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 12/08/2008.

### ***Drawings***

3. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because Figs 10-14 and 24-26 are defective (including illegible text and drawing and drawings with black and white photographs type images). Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### ***Claim Objections***

4. Claims 16, 19, 25-26 and 54 are objected to because of the following informalities: in claim 16, line 1; the phrase "claim 1" is mistyped. Appropriate correction is required.

In claim 19, line 3; the phrase "or a" has typographic error.

In claims 25-26; the phrase "inverted U-shaped upright 2" appears to have typographic error. For purpose of examination, the phrase "inverted U-shaped upright (2) is assumed.

In claim 26, the phrase "a tubular" is mistyped.

In claim 54, line 4, the use of punctuation mark "." appears to be a typographic error. For the purpose of examination the phrase "liquid, the" is assumed.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claim 9 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In claim 9, the limitation that "the walls are translucent" is new matter. The original specification and claims support walls that are transparent.

### ***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-27 and 54-58 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line the phrase "tray-like platform" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed, thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d). For the purpose of examination the word "platform" is assumed.

In claim 1, line 6; the phrase "coating paint product" lacks proper antecedent basis. For the purpose of examination the phrase "said coating paint product" is assumed.

In claim 2, line 3; the phrase "said spray nozzle" lacks proper antecedent basis. For the purpose of examination, the phrase "said at least one spray nozzle" is assumed.

In claim 3, line 2; the phrase "said nozzles" lacks proper antecedent basis. For the purpose of examination, the phrase "said at least one spray nozzle" is assumed.

In claim 4, line 2; the phrase "said nozzles" lacks proper antecedent basis. For the purpose of examination, the phrase "said at least one spray nozzle" is assumed.

In claim 5, line 2; the phrase "said nozzles" lacks proper antecedent basis. For the purpose of examination, the phrase "said at least one spray nozzle" is assumed.

In claim 6, line 2; the phrase "said walls" lacks proper antecedent basis. For the purpose of examination the phrase "said at least one wall comprising walls" is assumed.

In claim 6, line 2; the phrase "the nozzles" lacks proper antecedent basis. For the purpose of examination, the phrase "said at least one spray nozzle" is assumed.

In claim 7, line 2; the phrase "said walls" lacks proper antecedent basis. For the purpose of examination the phrase "said at least one wall comprising walls" is assumed.

In claim 8, line 2; the phrase "said walls" lacks proper antecedent basis. For the purpose of examination the phrase "said at least one wall comprising walls" is assumed.

In claim 9, line 2; the phrase "said walls" lacks proper antecedent basis. For the purpose of examination the phrase "said at least one wall comprising walls" is assumed.

In claim 18, line 2; the phrase "said liquid" lacks proper antecedent basis. For the purpose of examination the phrase "a liquid" is assumed.

In claim 18, line 3; the phrase "the tank/s that contain the liquid" lacks proper antecedent basis. For the purpose of examination the phrase "said at least one tank" is assumed.

In claim 19, line 3; the phrase "said liquid" lacks proper antecedent basis. For the purpose of examination the phrase "a liquid" is assumed.

In claim 19, line 3; the phrase "said tank" lacks proper antecedent basis. For the purpose of examination the phrase "said at least one tank" is assumed.

In claim 20, line 2; the phrase "said liquid" lacks proper antecedent basis. For the purpose of examination the phrase "a liquid" is assumed.

In claim 21, line 2; the phrase "the liquid" lacks proper antecedent basis. For the purpose of examination the phrase "a liquid" is assumed.

In claim 22, line 2; the phrase "the liquid" lacks proper antecedent basis. For the purpose of examination the phrase "a liquid" is assumed.

In claim 22, lines 3- 4; the phrase "the spray nozzles" lacks proper antecedent basis. For the purpose of examination, the phrase "said at least one spray nozzle" is assumed.

In claim 23, line 4; the phrase "transparent tube" lacks proper antecedent basis. For the purpose of examination the phrase "said transparent tube" is assumed.

In claim 23, line 2; the phrase "the liquid" lacks proper antecedent basis. For the purpose of examination the phrase "a liquid" is assumed.

In claim 23, line 2; the phrase "the spray nozzles" lacks proper antecedent basis. For the purpose of examination, the phrase "said at least one spray nozzle" is assumed.

In claim 25, line 2; the use of the word "it" makes the claim unclear because it is unclear what the word is referring to. For the purpose of examination the word "it" is deleted.

In claim 25, line 3; the word "nozzles" lacks proper antecedent basis. For the purpose of examination, the phrase "said at least one spray nozzle" is assumed.

In claim 26, line 2; the use of the word "it" makes the claim unclear because it is unclear what the word is referring to. For the purpose of examination the word "it" is deleted.

In claim 27, lines 2-3; the phrase "a tray-like platform" lacks proper antecedent basis. For the purpose of examination the phrase "said platform" is assumed.

In claim 27, line 3; the phrase "a plurality of nozzles" lacks proper antecedent basis. For the purpose of examination the phrase "said at least one nozzle comprises of a plurality of nozzles" is assumed.

In claim 27, line 5; the phrase "the nozzles" lacks proper antecedent basis. For the purpose of examination, the phrase "the plurality of nozzles" is assumed.

In claim 27, lines 6-7; the phrase "the nozzles"(twice) lacks proper antecedent basis. For the purpose of examination, the phrase "the plurality of nozzles" is assumed.

In claim 27, lines 7-8; the phrase "the liquid" lacks proper antecedent basis. For the purpose of examination the phrase "a liquid" is assumed.

In claim 54, line 2; the phrase "the nozzles" lacks proper antecedent basis. For the purpose of examination, the phrase "the plurality of nozzles" is assumed.

### ***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Parker et al (US 6,443,164).

Parker et al discloses (see Fig 8) an apparatus for painting a coating paint product comprising at least one column-shaped member (50); at least one spray nozzle(51) fitted on the at least one column-shaped member, atomizing the coating paint product; at least one tank (see Fig 11 for item 84) containing the coating paint product; an electrically insulated shower platform (see column 6, lines 11-27); and at least one wall (20) containing a jet-spraying nozzle(see Figs 1-2 for rinse nozzles 100



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and 402 mounted on the lower portion of the enclosure wall and column 13, lines 4-23), the at least one wall facing the at least one column-shaped member.

11. Claims 1-4, 10-11 and 13-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Laughlin (US 6,199,557).

As to claims 1-4, Laughlin discloses (see Figs 7-11) an apparatus for painting a coating paint product comprising at least one column-shaped member (36); at least one spray nozzle (88) fitted on the at least one column-shaped member, atomizing the coating material; at least one tank (reservoir 60) containing the coating paint product; an electrically insulated shower platform (20 having a fleximat flooring); and at least one wall (10) containing a jet-spraying nozzle (spray column 36 within the wall, see Fig 9 and 11), the at least one wall facing the at least one column-shaped member.

As to claims 10 and 11, Laughlin discloses a motorized rotating platform (turntable 20).

As to claim 13, in Laughlin the platform (20) has the shape of a tray.

With respect to claims 14-18, no structure is added to the claimed apparatus, the device disclosed by Laughlin is capable of performing as claimed.

12. Claims 1-4 and 6-18, rejected under 35 U.S.C. 102(b) as being anticipated by Shutic et al (US 2003/0019425).

13. As to claims 1-4, Shutic et al discloses (see Figs 1,4) an apparatus for painting a coating paint product comprising at least one column-shaped member (26); at least one

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spray nozzle (20) fitted on the at least one column-shaped member, ejecting the coating material as a cloud (see paragraph 5) ; at least one tank (feed center 46 main hopper) containing the coating paint product; an electrically insulated shower platform (see paragraphs 10, 23); and at least one wall (10) containing a jet-spraying nozzle (20, see Fig 4), the at least one wall facing the at least one column-shaped member.

As to claims 6-8, Shutic discloses curved and concave walls may be in a number of two enclosing completely a user housing volume.

With respect to claim 9, Shutic discloses transparent or other types of walls (see paragraph 55).

As to claim 10, Shutic discloses a rotating platform (floor 16).

Regarding claim 11, Shutic discloses a motor (74) driving the platform (16).

As to claim 12, Shutic discloses (see paragraph 120) grounded base (314).

As to claim 13, in Shutic the platform (16) has the shape of a tray.

With respect to claims 14-18, no structure is added to the claimed apparatus, the device disclosed by Shutic is capable of performing as claimed.

### ***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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15. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

16. Claims 19-20 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laughlin (US 6,199,557) in view of Cooper (US 6,387,081) and Ransburg (US 2,658,009).

As to claims 20 and 22-24, no structure is added to the claimed apparatus. Laughlin discloses an electrostatic type atomization (see column 8). The specific related to the charging means of the atomizing nozzles is not taught in Laughlin. However, it is well known in the electrostatic type coating to charge a liquid coating material with an electrode, wherein the electrode is in electrical communication with the liquid coating material to effect atomization for instance as evidenced Cooper (see Fig 6A); and Ransburg teaches (see Fig 1) an electrostatic application system wherein the coating material is charged while it passes through the pipe (12), in which the atomized coating liquid material is capable of having the claimed diameter. It would have been obvious to one of ordinary skill in the art at the time the invention was made to charge the liquid coating material as claimed to atomize the coating material.

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17. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Laughlin (US 6,199,557) in view of Cooper (US 6,387,081) and Takeuchi (US 6,892,142).

Laughlin discloses electrostatic type atomization. Takeuchi et al discloses (see Fig 2) a radioactive ionization source (18). It would have been obvious to one of ordinary skill in the art at the time the invention was made to charge the liquid with radiative ionization to produce a fine droplet.

18. Claims 25-26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Laughlin (US 6,199,557) in view of Venuto, Sr. (US 6,554,208).

Laughlin lacks teaching a tubular inverted U-shaped upright. Venuto discloses (see fig 4) an inverted U-shaped upright. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a tubular inverted U-shaped upright in Laughlin to easily supply the coating material to the nozzles from every direction and to support the spraying enclosure.

19. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Laughlin (US 6,199,557) in view of Cooper (US 6,387,081) and Parker et al (US 6,443,164).

Laughlin discloses a plurality of nozzles which are placed at different heights above the platform electrostatically atomizing the coating material. Cooper also teaches a plurality of nozzles fed with a treatment liquid under pressure subjected to electrostatic charging (see Figs 2 and 6A). Yet Laughlin lacks teaching a plurality of

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nozzles placed at different angular positions. Parker et al discloses a plurality of nozzles placed at different angular position. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a plurality of nozzle placed at different angular positions to treat different sizes of coating product.

***Allowable Subject Matter***

20. Claims 54-58 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

21. The following is a statement of reasons for the indication of allowable subject matter: prior art of record does not disclose or suggest, an apparatus for painting a coating paint product comprising, among others, at least one column-shaped member; at least one spray nozzle fitted on the column-shaped member; at least one tank; an electrically insulated platform; the at least one spray nozzle comprises of a plurality of nozzles placed at different angular position, fed with electrostatically charged liquid; wherein the plurality of nozzles are connected to the circulating circuit (see claim 54) having the claimed feeding and return branches.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YEWEBDAR T. TADESSE whose telephone number is (571)272-1238. The examiner can normally be reached on Monday-Friday 8:00 AM - 4:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton can be reached on (571) 272-1465. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yewebdar T Tadesse/  
Primary Examiner, Art Unit 1792